

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Applicant</i>	<i>SPOLTORE, MICHAEL THOMAS</i>
<i>Application Number</i>	<i>10/750,087</i>
<i>Filing Date</i>	<i>12/31/2003</i>
<i>Title</i>	<i>BUILDING OCCUPANT LOCATION AND FIRE DETECTION SYSTEM</i>
<i>Docket Number</i>	<i>H0006017-0555</i>
<i>Examiner</i>	<i>NGUYEN, HUNG T</i>
<i>Art Unit</i>	<i>2636</i>

BRIEF ON BEHALF OF MICHAEL THOMAS SPOLTORE

This is an Appeal from the Final Rejection of Claims 40-78 by the Office Action of January 03, 2006.

REAL PARTY IN INTEREST

The real parties in interest are the inventor Michael Thomas Spoltore and Honeywell International Inc.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted on the date below to:

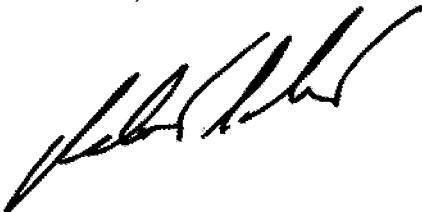
*Appeal Related Matters**

Board of Patent Appeals and Interferences

US Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450



Registration No. 24,681! Date: June 5, 2006

STATUS!OF!THE!CLAIMS

Claims!40-43,!48,!51,!54,!56-57,!59-62,!65,!67-68,!70-71!&!73-78!are!!rejected!!!No!claim!is!allowed.!

STATUS!OF!ALL!AMENDMENTS!FILED!SUBSEQUENT!TO!FINAL!REJECTION

An!after!final!response!under!37!C.F.R.!§!1.116!was!filed!with!a!March!3,!2006!mailing!certificate.!A!subsequent!advisory!action!dated!March!28,!2006!in!response!thereto!stated!the!amendment!under!37!C.F.R.!§1.116!would!be!entered!for!the!purposes!of!appeal.

SUMMARY!OF!CLAIMED!SUBJECT!MATTER

The!bracketed!terms!below!reference!the!corresponding!portions!of!the!application.

[page!1,!line!6}

The!invention!relates!to!safety!and!security!devices!and!methods!and!particularly!to!apparatus!and!methods!for!locating!individuals!in!a!building!during!an!emergency.!!One!such!emergency!situation!may!occur!during!a!fire.

[page!3,!line!21}

Establishing!the!location!of!individuals!within!a!building!during!a!fire!is!critical!to!individuals!that!may!be!trapped!in!the!building!as!well!as!to!individuals!seeking!to!rescue!them.!!Many!firefighters!have!died!attempting!to!rescue!individuals!that!have!been!reported!might!be!in!a!building.!!It!is!particularly!sad!when!a!firefighter!dies!seeking!to!rescue!an!individual!that!is!subsequently!determined!to!have!been!in!no!

danger.!

It is! an! object! of! the! present! invention! to! provide! an! additional! measure! of! safety! both! for! building! occupants! as! well! as! emergency! workers! such! as! firefighters.

More! particularly,! it! is! another! object! of! the! invention! to! provide! rescue! workers! very! specific! information! about! the! location! of! individuals! within! a! building.!!

[page! 3,! line! 21}

The! claimed! invention! includes! a! system! and! method! for! providing! assistance! to! emergency! personnel! that! includes! apparatus! for! detecting! the! presence! of! personnel! within! a! protected! premises,! apparatus! for! detecting! an! imminent! threat! selected! from! the! group! consisting! of! a! fire,! seismological! and! terrorist! events! and! apparatus,! responsive! to! the! means! for! detecting,! for! displaying! the! location! of! personnel! within! protected! premises.

In! some! forms! of! the! invention! the! system! includes! apparatus! for! storing! the! location! of! personnel! within! a! protected! premises! that! may! include! nonvolatile! memory! and! may! be! capable! of! storing! such! data! for! a! plurality! of! time! periods. The! system! is! thus! proactive! in! that! stores! the! location! of! personnel! in! advance! of! any! emergency.

The! apparatus! for! detecting! an! imminent! threat! may! include! an! ionization-type! detector! or! a! photoelectric! detector! or! temperature! sensing! and! may! utilize! fuzzy! logic! or! Boolean! logic.!! The! temperature! sensing! apparatus! may! utilize! one! or! more! thermistors.!! Some! forms! of! the! apparatus! in! accordance! with! the! invention! may! include! structure! for! determining! the! last! known! good! position! information.

The! apparatus! for! detecting! the! presence! of! personnel! may! also! include! ultrasonic! apparatus,! microwave! apparatus,! infrared! sensing! or! a combination! of! both! passive! infrared! and! microwave! sensors.

The! decision-making! process! in! the! apparatus! may! be! achieved! when! a! logic! circuit! or! a! microprocessor.! The! apparatus! for! displaying! the! location! of! personnel! within! protected! premises! may! include! a! floor! plan! on! which! the! locations! are! defined! and! may! include! wireless! apparatus! for! remotely! displaying! the! location! of! personnel! within! protected! premises.

[page! 4,! line! 17}

The! invention! also! includes! a! method! for! providing! assistance! to! emergency! personnel! which! includes! detecting! the! presence! of! personnel! within! a! protected! premises,! detecting! an! imminent! threat! selected! from! the! group! consisting! of! a! fire,! seismological! and! terrorist! events,! displaying! the! location! of! personnel! within! protected! premises! when! an! imminent! threat! is! detected,! further! including! the! step! of! storing! the! location! of! personnel! within! protected! premises,! wherein! the! step! of! storing! the! location! of! personnel! is! achieved! with! nonvolatile! memory.

The! method! for! providing! assistance! to! emergency! personnel! includes! the! step! of! storing! the! location! of! personnel! for! personnel,! within! a! protected! premises! for! each! of! a! plurality! of! time! periods..!! The! method! for! providing! assistance! to! emergency! personnel! includes! providing! apparatus! that! includes! a! providing! one! such! apparatus! selected! from! the! group! that! includes! (a.)! ionization-type! detector,! (b)! a! photoelectric! detector,! (c)! fuzzy! logic,! (d)! Boolean! logic,! (e)! temperature! sensing,! (f)! ultrasonic! apparatus,! (g)! at! least! one! thermistor,! (h)! microwave! apparatus! and! (i)! infrared! sensing.

The! drawing! (copy! attached)! illustrates! graphically! the! steps! of! intrusion! detection! combined! with! the! creation! of! historical! data! storage! that! is! available! prior! to! a! fire! or!

other event being detected.

ISSUES

1.!! Whether Claims 40-43, 48, 51, 54, 56-57, 59-62, 65, 67-68, 70-71 & 73-78 are unpatentable under 35 USC. 102(b) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Kulesz et al. (U.S. 6,930,596).

2.!! Whether Claims 44-47 are unpatentable under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Kulesz et al. (U.S. 6,930,596) and further view of Wiemeyer (U.S. 5,726,633).

3.!! Whether Claims 49-50 are unpatentable under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Kulesz et al. (U.S. 6,930,596) and further in view of Addy (U.S. 6,084,522).

4.!! Whether Claims 52-53 & 63-64 are unpatentable under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Kulesz et al. (U.S. 6,930,596) and further in view of Hackett (U.S. 4,035,798).

5. Claims 55 & 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Kulesz et al. (U.S. 6,930,596) and further in view of Katz et al. (U.S. 6,188,318).

6.!! Whether Claims 58, 69 & 72 are unpatentable under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Kulesz et al. (U.S. 6,930,596) and further in view of Lepkofker et al. Patent

Application! Publication (U.S.!2004/0021569).

GROUPING!OF!CLAIMS

The! claims! do! not! stand! or! fall! together.

THE!ARGUMENT!

ISSUE! 1!REJECTION

The! final! rejection! in! the! office! action! of! January! 3,! 2006! stated:

“2.!Claims!40-43,!48,!51,!54,!56-57,!59-62,!65,!67-68,!70-71&!73-78!are!rejected!
under!35!U.S.C.!103(a)!as! being! unpatentable! over! Mckay! Patent! Application!
Publication!(U.S.!2001/0036832)!in!view!of!Kulesz!et!al.!(U.S.!6,930,596).

Regarding! claim! 40,! McKay! discloses! a! system! (30)! for! providing! assistance! to
emergency! personnel! (14)! a! building! (12)! is! on! fire! condition! [figs.! 1-2,4,!
paragraphs

0013-0014,!0017]! comprising:

-!means! for! detecting! presence! of! personnel! /! firefighters! (14)! within! a! protected
promises! (12)! at! a! real! time! [figs.1-2,4,!paragraphs! 0012-0014,!0017];
-!remote! receiver! (48)! includes! a! computer! system! (44,84)! having! memory! device! is
inherently! for! storing! the! firefighter! signals! is! cited! in! figs.2,4,6,!paragraphs! 0014,!
0017, 0019.

-! a! fire! truck! having! a! server! (128)! comprising! a! memory! device! for! storing! data
information! as! each! of! the! firefighter! (14)! having! a! tag! (16,40)! is! attached! for!
monitoring condition! of! firefighter! in! three! positioning! (32,33,34)! at! a! real! time! period!
[figs.1!-2,6,!paragraphs! 0014,!0019,!0022].

-!means! for! displaying! by! a! computer! monitor! (46,82)! the! presence! of! the! firefighters! (14)! within! a! protected! promises! at! a! realtime! [figs.1-2,4,-paragraphs! 0013-0014,! 0017]

The! reference! of! McKay! does! not! specifically! mention! exactly! a! term! as! subsequently! detecting! as! claimed! by! the! applicant.

However,! Kulesz! teaches! a! communication! network! system! which! can! be! employed! by! fire! department,! police,! or! emergencies! rescue! team! to! response! as! detecting! (20,61-65)! of! hazardous! events! as! high! temperature,! chemical,! biological,! nuclear,! explosive,! dirty! bomb! (72),! earthquake! and! so! on! wherein! the! hazardous! material! is! detected! to! a! subsequent,! different! location! is! monitored! by! a! controller! (70)! [!figs.3-4,!col.5,!lines! 39-52! and! col.7,!line! 62! to! col.8,!line! 33].

Therefore,! it! would! have! been! obvious! to! one! having! ordinary! skill! in! the! art! to! employ! the! teaching! of! Kulesz! in! the! system! of! Mckay! for! detecting! &! monitoring! subsequent! fire,! subsequent! earthquake,! subsequent! bomb! conditions.! -

Regarding! claims! 41-43,! Mckay! discloses! the! system! for! providing! assistance! to! emergency! personnel! (14)! ! a! building! (12)! is! on! fire! condition! from! a! fire! truck! having! a! server! (128)! comprising! a! memory! device! for! storing! data! information! as! each! of! the! firefighter! (14)! having! a! tag! (16,40)! is! attached! for! monitoring! condition! of! firefighter! in! three! positioning! (32,33,34)! at! a! real! time! period! [figs.1-2,6,!paragraphs! 0014,!0017, 0019,!0022].

Regarding! claims! 48! &! 54,! Mckay! does! teach! the! system! is! used! for! fire! department! could! be! included! various! environmental! sensor! as! temperature,! infrared,! oxygen,! gas! or! so! on! may! connect! to! wearable! computer! (102)! for! firefighter! to! detecting! the! condition! in! the! fire! building! (12)! [fig.5,!paragraph! 0018].

Regarding! claim! 51,! McKay! discloses! the! system! for! providing! assistance! to! emergency personnel! (14)! /! a! building! (12)! is! on! fire! condition! from! a! fire! truck! having! a! server! (128) comprising! a! memory! device! for! storing! data! information! as! each! of! the! firefighter! (14) having! a! tag! (16,40)! is! attached! for! monitoring! condition! of! firefighter! in! three! positioning! (32,33,34)! at! a! real! time! period! [figs.! 1-2,4,6,! paragraphs! 0014,! 0017! 0019,! 00221.

Regarding! claims! 56-57,! McKay! discloses! the! system! for! providing! assistance! to! emergency! personnel! (14)! /! a! building! (12)! is! on! fire! condition! [figs.1-2,! paragraphs! 0013-0014]! comprising:

-! means! for! detecting! the! presence! of! personnel! /! firefighters! (14)! having! a! tag! (16,40)! within! a! protected! promises! (12)! at! a! real! time! by! a! wireless! signal! /! GPS! receiver! [figs.! 1-2,! paragraphs! 0012-0014];

-! means! for! displaying! by! a! computer! monitor! (46,82)! as! showing! the! presence! of! the! firefighters! (14)! within! a! protected! promises! at! a! real! time! which! having! a! circuit component! /! microprocessor! in! the! computer! system! (44)is! inherently! [figs.! 1-2,4,! 6,! paragraphs! 0013-0014,! 0017].

Regarding! claims! 59! &! 70,! McKay! discloses! the! system! (30)is! installed! in! an! emergency! fire! truck! (18)! which! to! monitor! the! firefighters! (14)! in! the! building! (12)! is! on! fire! condition! by! a! remote! signal! [figs. 1-2,5,! paragraphs! 0013-0014! and! 0018];

-! means! for! detecting! the! presence! of! personnel! /! firefighters! (14)! having! a! tag! (16,40)! within! a! protected! promises! (12)! at! a! real! time! by! a! wireless! signal! /! GPS! receiver! [figs.! 1-2,! paragraphs! 0012-0014! and! 00181;

-! means! for! displaying! by! a! computer! monitor! (46,82)! the! presence! of! the! firefighters! (14)! within! a! protected! promises! at! a! real! time! from! the! emergency! tire! truck! [figs.! 1-2,4,! paragraphs! 0013-0014,! 0017].

Regarding claim 60, McKay discloses the system (30) for providing assistance to emergency personnel (14) / a building (12) is on fire condition [figs. 1-2, paragraphs 0013-0014, 0017] comprising:

- means for detecting the presence of personnel / firefighters (14) having a tag (16,40) within a protected promises (12) at a real time by a wireless signal / GPS receiver [figs. 1-2, paragraphs 0012-0014 and 0018];

- means for displaying by a computer monitor (46,82) the presence of the firefighters (14) within a protected promises at a real time from the emergency tire truck [figs. 1-2,4, paragraphs 0013-0014, 0017].

- the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition from a fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) at a real time period [figs. 1-2,6, paragraphs 0014, 0017, 0019, 0022].

Regarding claims 61-62, McKay does not teach the system is used for fire department could be included various environmental sensor as temperature, infrared, oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [fig. 5, paragraph 0018];

- means for displaying by a computer monitor (46,82) the presence of the firefighters (14) within a protected promises at a real time from the emergency fire truck [figs. 1-2, 4, paragraphs 0013-0014, 0017].

- the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition from a fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) at a real time period [figs. 1-2,6, paragraphs 0014, 0017, 0019, 0022].

Regarding claim 65, McKay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared, oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12)[fig.5, paragraph 0018].

Regarding claims 67-68, McKay discloses the system (30) for providing assistance to emergency personnel (14) a building (12) is on fire condition [figs. 1-2,4, paragraphs 0013-0014, 0017] comprising:

- means for detecting the presence of personnel / firefighters (14) having a tag (16,40) within a protected promises (12) at a real time by a wireless signal / GPS receiver [figs. 1-2, paragraphs 0012-0014 and 0018];
- means for displaying by a computer monitor (46,82) the presence of the firefighters (14) within a protected promises at a real time from the emergency fire truck, the receiver (48) which having a circuit component / microprocessor in the computer system (44,84) is inherently [figs. 1-2,4, 6, paragraphs 0013-0014, 0017].

Regarding claim 71, McKay discloses the system (30) for providing assistance to emergency personnel (14) a building (12) is on fire condition [figs. 1-2,4, paragraphs 0013-0014, 0017] comprising:

- means for detecting presence of personnel / firefighters (14) within a protected promises (12) at a real time [figs. 1-2,4, paragraphs 0012-0014, 0017];
- means for displaying by a computer monitor (46,82) the presence of the firefighters (14) within a protected promises at a real time [figs. 1-2,4, paragraphs 0013-0014, 0017]
- the computer monitor (46,82) is connected to input device / keypad / console (42) from the computer system is inherently (44,84) [figs. 1-2,4, paragraphs 0013-0014, 0017].

Regarding! claim! 73,! McKay! discloses! the! system! (30)! for! providing! assistance! to! emergency! personnel! (14)! /! a! building! (12)! is! on! fire! condition! [figs.1-2,4,! paragraphs! 0013-0014,! 00171! comprising:

- ! means! for! detecting! presence! of! personnel! /! firefighters! (14)! within! a! protected! promises! (12)! at! a! real! time! [figs.! 1-2,4,! paragraphs! 0012-0014,! 0017];
- ! means! for! displaying! by! a! computer! monitor! (46,82)! as! showing! the! presence! of! the! firefighters! (14)! within! a! protected! promises! at! a! real! time! [figs.! 1-2,4,! paragraphs! 0013-0014,0017! J.

Regarding! claims! 74-76! &! 78,! McKay! disclose! the! method! for! providing! assistance! to! emergency! personnel! (14)! /! a! building! (12)! is! on! fire! condition! [figs.! 1-2,4,! paragraphs! 0013-0014,! 0017]comprising:

- ! remote! receiver! (48)! includes! a! computer! system! (44,84)! having! memory! device! is! inherently! for! storing! the! firefighter! signals! is! cited! in! figs.2,4,6,! paragraphs! 0014,! 0017,! 0019.
- ! the! fire! truck! having! a! server! (128)! comprising! a! memory! device! for! storing! data! information! as! each! of! the! firefighter! (14)! having! a! tag! (16,40)! is! attached! for! monitoring condition! of! firefighter! in! three! positioning! (32,33,34)! at! a! real! time! period! [figs.1-2,6,! paragraphs! 0014,! 0019,! 0022].

Regarding! claim! 77,! McKay! does! teach! the! system! is! used! for! fire! department! could! be! included! various! environmental! sensor! as! temperature,! infrared,! oxygen,! gas! or! so! on! may! connect! to! wearable! computer! (102)! for! firefighter! to! detecting! the! condition! in! the! fire! building! (12)! [fig.5,! paragraph! 0018].”

ISSUE! 1! RESPONSE

Claims! 40-78! are! illustrated! by! portions! of! the! independent! claims! listed! below! (Emphasis! added).

“40.!!! A! system! for! providing! assistance! to! emergency! personnel! which!
comprises:

apparatus! for! first! detecting! the! presence! of! personnel! within! a! protected!
premises;

apparatus! for! continuously! storing! data! defining! the! location! of! personnel!
within! a! protected! premises;

apparatus! for! subsequently! detecting! an! imminent! threat! selected! from! the!
group! consisting! of! fire,! seismological! and! terrorist! events;! ...”

“60.!!!! A! system! for! providing! assistance! to! emergency! personnel! which!
comprises:

apparatus! for! first! detecting! the! presence! of! personnel! within! a! protected!
premises! and! apparatus! for! storing! the! location! of! personnel! within! protected!
premises! that! includes! nonvolatile! memory! and! which! is! capable! of! storing!
such! data! for! a! plurality! of! time! periods;

apparatus! for! subsequently! detecting! an! imminent! threat! selected! from! the!
group! consisting! of! fire,! seismological! and! terrorist! events;...”

“73.!!!! A! method! for! providing! assistance! to! emergency! personnel! which!
includes:

detecting! the! presence! of! personnel! within! a! protected! premises;

storing! data! defining! the! location! of! personnel! within! a! protected! premises;
detecting! a! subsequent! imminent! threat! selected! from! a! group! consisting! of! a!
fire,! seismological! and! terrorist! events;! . . .”

Thus,! all! of! the! claims! now! pending! make! clear! that! the! detection! of! a! subsequent!
threat! occurs! after! first! detecting! the! presence! of! personnel! and! storing! data! defining!
the! location! of! the! personnel! within! a! protected! premises.! (For! example,! the!
protected! premises! might! be! monitored! for! years! before! any! fire,! seismological!
and/or! terrorist! event! is! detected.)!

The! McKay! reference! describes! the! background! of! that! invention! with:!!
“[0002]! Fires! in! the! United! States! claim! the! lives! around! one! hundred! firefighters!
each! year.! A! review! of! this! situation! by! the! National! Fire! Protection! Association!
suggested! the! application! of! new! technologies! for! command! centers,! risk!
management! and! individual! firefighters.! Presently! firefighters! wear! an! alarm! that!
emits! an! audible! sound! when! they! have! not! moved! within! the! last! 30! seconds.! In! the!
confusion! of! a! fire! this! audible! alarm! has! provided! very! little! assistance! in! finding!
down! and! injured! firefighters.! The! sound! is! muffled! by! the! fire! and! provides! only! the!
 slightest! clue! as! to! the! whereabouts! of! the! downed! firefighter.! Other! problems!
include! the! inability! of! the! commander! to! have! real! time! information! on! the! fire! as!
well! as! the! location! of! the! personnel! and! equipment! assets.”! Thus,! it! is! abundantly!
apparent! that! the! reference! is! clearly! directed! to! monitoring! the! location! of! firefighters!
after! a! fire! has! started.! There! is! not! even! the! slightest! suggestion,! much! less! a!
description! of! any! apparatus! that! would! monitor! a! protected! premises! so! that! in! the!
event! a! fire,! seismological! or! terrorist! event! occurs! it! would! be! easier! to! find! the!
people! that! were! in! the! building! before! the! occurrence! of! the! fire,! seismological! or!

terrorist!event.!There!is!not!even!the! slightest!suggestion,!much!less!a!description!of!
any!apparatus!that!would!in!any!way!track!or!determine!the!location!of!anyone!other!
than!firemen!who!entered!the!building!after!the!fire!started!for!the!express!purpose!of!
putting!out!the!fire.!Thus,!the!reference!clearly!does!include:

apparatus!for!first!detecting!the!presence!of!personnel!within!a!protected!
premises!and!apparatus!for!storing!the!location!of!personnel!within!protected!
premises!that!includes!nonvolatile!memory!and!which!is!capable!of!storing!
such!data!for!a!plurality!of!time!periods;

apparatus!for!subsequently!detecting!an!imminent!threat!selected!from!the!
group!consisting!of!fire,!seismological!and!terrorist!events;...”

The!Examiner!states:

!“The!reference!of!McKay!does!not!specifically!mention!exactly!a!term!as!
subsequently!detecting!as!claimed!by!the!applicant.”!

It!is!respectfully!submitted!the!reference!not!only!does!not!use!the!terms!
“subsequently!detecting”.!.The!reference!does!not!show!or!suggest!subsequent!
detection!of!a!fire,!seismological!or!terrorist!event!after!determining!the!location!of!
anyone,!much!less!the!occupants!of!the!building!or!other!protected!premises!prior!to!
the!occurrence!of!an!event!selected!from!the!group!consisting!of!fire,!seismological!
and!terrorist!events. The!references!are!not!proactive.!They!do!not!maintain!a!
database!of!the!personnel!within!a!protected!premises!prior!to!an!emergency.
The!proactive!approach!results!in!a!different!structure,!purpose!,!method!and!
result!than!that!of!the!cited!art!either!individually!or!collectively.!!The!cited!art!
does!not!consider!the!location!of!persons!within!a!protected!that!were!present!
prior!to!a!fire!or!other!cataclysmic!event.

The Examiner further asserts:

“However, Kulesz teaches a communication network system which can be employed by fire department, police, or emergencies rescue team to response (sic) as detecting (20,61-65) of hazardous events as high temperature, chemical, biological, nuclear, explosive, dirty bomb (72), earthquake and so on wherein the hazardous material is detected to a subsequent, different location is monitored by a controller (70) [figs.3-4, col.5, lines 39-52 and col.7, line 62 to col.8, line 33].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Kulesz in the system of McKay for detecting & monitoring subsequent fire, subsequent earthquake, subsequent bomb conditions.” –

Applicant acknowledges that Kulesz teaches a network that includes multiple sensors and emergency responders. In other words, the merely uses a network to detect threats and warn of threats. Nothing in the Kulesz reference remotely describes or suggests the desirability of establishing the location of any person at any time.

It is respectfully submitted that the combination of (1) the McKay reference that teaches tracking fireman after they enter a building after the building is deemed to be burning with (2) the Kulesz reference that never tracks the location of any person at any time does not show or suggest

apparatus for first detecting the presence of personnel within a protected premises and apparatus for storing the location of personnel within protected premises that includes nonvolatile memory and which is capable of storing such data for a plurality of time periods;

apparatus! for! subsequently! detecting! an! imminent! threat! selected! from! the!
group! consisting! of! fire,! seismological! and! terrorist! events;..."

Stated! another! way,! the! combination! of! a! reference! that! teaches! tracking! fireman!
after! they! enter! a! building! after! the! building! is! deemed! to! be! burning! with! a! reference!
that! never! tracks! the! location! of! any! person! at! any! time! cannot! even! be! rationally!
argued! to! teach! the! claimed! invention.

Applicant! does! not! in! any! way! concede! that! the! combination! of! references! would!
teach! the! present! invention.! Moreover,! it! is! respectfully! submitted! that! the!
combination! of! references! is! not! permissible! because! it! fails! to! meet! the! established!
standard:

Karsten! Mfg.! Corp.! v.! Cleveland! Golf! Co.,! 242! F.3d! 1376,! 1385! (Fed.! Cir.!
2001)! ("In! holding! an! invention! obvious! in! view! of! a! combination! of!
references,! there! must! be! some! suggestion,! motivation,! or! teaching! in! the!
prior! art! that! would! have! led! a! person! of! ordinary! skill! in! the! art! to! select!
the! references! and! combine! them! in! the! way! that! would! produce! the!
claimed! invention.").);

In! re! Dance,! 160! F.3d! 1339,! 1343! (Fed.! Cir.! 1998)! ("When! the! references!
are! in! the! same! field! as! that! of! the! applicant's! invention,! knowledge! thereof!
is! presumed.! However,! the! test! of! whether! it! would! have! been! obvious! to!
select! specific! teachings! and! combine! them! as! did! the! applicant! must! still!
be! met! by! identification! of! some! suggestion,! teaching,! or! motivation! in! the!
prior! art,! arising! from! what! the! prior! art! would! have! taught! a! person! of!
ordinary! skill! in! the! field! of! the! invention.").);

In! re! Fine,! 837! F.2d! 1071,! 1075! (Fed.! Cir.! 1988)! (there! must! be! "some!
objective! teaching! in! the! prior! art! or! that! knowledge! generally! available! to!
one! of! ordinary! skill! in! the! art! would! lead! that! individual! to! combine! the!
relevant! teachings! of! the! references");!

Interconnect! Planning! Corp.! v.! Feil,! 774! F.2d! 1132,! 1143! (Fed.! Cir.! 1985)!
("When! prior! art! references! require! selective! combination! by! the! court! to!

render! obvious! a! subsequent! invention,! there! must! be! some! reason! for! the! combination! other! than! the! hindsight! gleaned! from! the! invention! itself.").

There! is! not! the! slightest! suggestion! in! McKay! that! when! firefighters! enter! a! burning! building! and! are! tracked! after! the! detection! of! the! fire! and! the! firemen! are! called,! that! thereafter! the! Kulesz! network! system! should! be!:! "...detecting! &! monitoring! subsequent! fire,! subsequent! earthquake,! subsequent! bomb! conditions."! Thus,! there! is! not! the! slightest! suggestion,! motivation,! or! teaching! in! McKay! that! would! have! led! a! person! of! ordinary! skill! in! the! art! to! select! the! cited! references! and! combine! them! in! the! way! suggested! by! the! rejection.

Similarly,! there! is! not! the! slightest! suggestion,! motivation,! or! teaching! in Kulesz! that! the! Kulesz! network! for! sensing! threats! and! alerting! responders! should! be! expanded! to! track! firefighter! responders! that! enter! a! burning! building! as! described! in! McKay.! In! fact,! as! noted! above,! Kulesz! does! not! include! the! slightest! suggestion,! motivation,! or! teaching! that! any! person! should! be! tracked! or! located! anywhere.

ISSUE 2! REJECTION

"3.!Claims! 44-47! are! rejected! under! 35! U.S.C.! 103(a)! as! being! unpatentable! over McKay! Patent! Application! Publication! (U.S.!2001/0036832)! in! view! of! Kulesz! et al.! (U.S.!6,930,596)! and! further! view! of! Wiemeyer! (U.S.!5,726,633).

Regarding! claims! 44-45,! The! references! of! Mckay! &! Kulesz! do! not! specifically! mention! the! detector! includes! ionization! or! photoelectric! as! claimed! by! the! applicant.

However,! Mckay! does! teach! the! system! is! used! for! fire! department! could! be! included! various! environmental! sensor! as! temperature,! infrared,! oxygen,! gas! or! so! on! may!

connect! to! wearable! computer! (102)! for! firefighter! to! detecting! the! condition! in! the! fire! building! (12)! [fig.5,! paragraph! 0018].

Furthermore,! Wiemeyer! teaches! smoke! detector! having! ionization! and! photoelectric! detectors! for! discrimination! of! fire! types! [col.! 1,! lines! 25-30! and! line! 40! to! col2,! line! 3].

Therefore,! it! would! have! been! obvious! to! one! having! ordinary! skill! in! the! art! to! have! the! teaching! of! Kulesz! &! Wiemeyer! in! the! system! of! McKay! for! detecting! fire! condition! which! take! into! account! the! characteristic! of! different! types! of! fires.

Regarding! claims! 4647,! Wiemeyer! teaches! the! smoke! detector! having! ionization! and! photoelectric! detectors! for! discrimination! of! fire! types! also! mentions! a! function! of! fuzzy! logic! and! Boolean! logic! for! signal! processing! of! outputs! of! tire! or! smoke! sensors! as! improved! performance! [col. 1,! lines! 25-54].”

ISSUE! 2! RESPONSE

The! remarks! above! with! respect! to! the! combination! of! McKay! and! Kulesz! are! incorporated! by! reference.! These! remarks! establish! that! there! is! no! motivation! to! combine! McKay! and! Kulesz! and! that! combining! McKay! and! Kulesz! would! not! result! in! the! present! invention. It! follows! with! still! greater! force! that! neither! McKay! nor! Kulesz! provide! a! motivation! for! combining! with.! Wiemeyer! and! the! combination! of! McKay,! Kulesz! and! Wiemeyer! does! not! teach! the! invention! defined! by! these! claims.

ISSUE! 3! REJECTION

“4.! Claims! 49-50! are! rejected! under! 35! U.S.C.! 103(a)! as! being! unpatentable! over

McKay! Patent! Application! Publication! (U.S.!2001/0036832)! in! view! of! Kulesz! et al.! (U.S. 6,930,596)! and! further! in! view! of! Addy! (U.S.!6,084,522).

Regarding! claims! 49-50,! The! references! of! McKay! &! Kulesz! do! not! specifically! mention! the! detector! includes! thermistors! as! claimed! by! the! applicant.! - However,! Mckay! does! teach! the! system! is! used! for! fire! department! could! be! included! various! environmental! sensor! as! temperature,! infrared,! oxygen,! gas! or! so! on! may! connect! to! wearable! computer! (102)! for! firefighter! to! detecting! the! condition! in! the! fire! building! (12)! [fig.5,! paragraph! 0018!].

Furthermore,! Addy! teaches! temperature! sensing! wireless! smoke! detector! by! using! thermistor! device! (T1)! for! monitoring! the! temperature! level! [fig.1,! col.2,! lines! 45-! 52! and! col.4,! lines! 31-321.

Therefore,! it! would! have! been! obvious! to! one! having! ordinary! skill! in! the! art! to! utilize! the! teaching! of! Kulesz! &! Addy! in! the! system! of! Mckay! for! detecting! &! monitoring! the! high! temperature! level! in! the! fire! building.”

ISSUE! 3! RESPONSE

The! remarks! above! with! respect! to! the! combination! of! McKay! and! Kulesz! are! incorporated! by! reference.! These! remarks! establish! that! there! is! no! motivation! to! combine! McKay! and! Kulesz! and! that! combining! McKay! and! Kulesz! would! not! result! in! the! present! invention. It! follows! with! still! greater! force! that! neither! McKay! nor! Kulesz provide! a! motivation! for! combining! with!. Addy! and! the! combination! of! McKay,! Kulesz and! Addy! does! not! teach! the! invention! defined! by! these! claims.

ISSUE 4! REJECTION

“5!Claims! 52-53! &! 63-64! are! rejected! under! 35! U.S.C.! 103(a)! as! being! unpatentable!
over! Mckay! Patent! Application! Publication! (U.S.! 2001/0036832)! in! view! of! kulesz! et!
al.! (U.S.! 6,930,596)! and! further! in! view! of! Hackett! (U.S.! 4,035,798).

Regarding! claims! 52-53! &! 63-64,! The! references! of! Mckay! &! kulesz! do! not!
specifically! mention! the! detector! includes! ultrasonic! and! microwave! as! claimed! by!
the! applicant.

However,! Mckay! does! teach! the! system! is! used! for! fire! department! could! be! included!
various! environmental! sensor! as! temperature,! infrared,! oxygen,! gas! or! so! on! may!
connect! to! wearable! computer! (102)! for! firefighter! to! detecting! the! condition! in! the!
fire! building! (12)[fig.5,!paragraph! 0018].

Furthermore,! Hackett! teaches! a! frequency! of! ultrasonic! or! microwave! can! be! used! in!
the! detection! system! in! the! protected! premises! or! building! as! desired! [fig. 1,! col.! 1,!
lines! 56-63! and! abstract].

Therefore,! it! would! have! been! obvious! to! one! having! ordinary! skill! in! the! art! to!
employ! the! teaching! of! Kulesz! &! Hackett! includes! a! frequency! of! ultrasonic! or!
microwave! in! the! system! of! McKay! for! detecting! person! or! object! in! the! fire! building.”

ISSUE 4! RESPONSE

The! remarks! above! with! respect! to! the! combination! of! McKay! and! Kulesz! are!
incorporated! by! reference.! These! remarks! establish! that! there! is! no! motivation! to!
combine! McKay! and! Kulesz! and! that! combining! McKay! and! Kulesz! would! not! result! in!
the! present! invention. It! follows! with! still! greater! force! that! neither! McKay! nor! Kulesz

provide! a! motivation! for! combining! with.! Hackett! and! the! combination! of! McKay,! Kulesz and! Hackett! does! not! teach! the! invention! defined! by! these! claims.

ISSUE! 5! REJECTION

“6.!Claims! 55! &! 66! are! rejected! under! 35! U.S.C.! 103(a)! as! being! unpatentable! over McKay! Patent! Application! Publication! (U.S.!2001/0036832)! in! view! of! Kulesz! et! al.! (U.S. 6,930,596)! and! further! in! view! of! Katz! et! al.! (U.S.!6,188,318).

Regarding! claims! 55! &! 66,! The! references! of! McKay! &! Kulesz! do! not! specifically! mention! the! detector! includes! both! passive! infrared! and! microwave! sensors! as! claimed! by! the! applicant.

However,! Mckay! does! teach! the! system! is! used! for! fire! department! could! be! included! various! environmental! sensor! as! temperature,! infrared,! oxygen,! gas! or! so! on! may! connect! to! wearable! computer! (102)! for! firefighter! to! detecting! the! condition! in! the! fire! building! (12)[fig.5,!paragraph! 0018].

Furthermore,! katz! teaches! a! dual-sensing! intrusion! detection! device! which! may! includes! both! passive! infrared! or! microwave! sensors! can! be! used! in! the! detection! system! in! the! protected! premises! or! building! as! desired! [fig. 1,! col. 4,! lines! 48-60,! col.5,!lines! 24-50! and! abstract].

Therefore,! it! would! have! been! obvious! to! one! having! ordinary! skill! in! the! art! to have! the! teaching! of! Kulesz! &! Katz! in! the! system! of! Mckay! for! sensing! person! & object! in! the! fire! building! by! at! least! two! frequency! signals.”

ISSUE! 5! RESPONSE

The! remarks! above! with! respect! to! the! combination! of! McKay! and! Kulesz! are! incorporated! by! reference.! These! remarks! establish! that! there! is! no! motivation! to! combine! McKay! and! Kulesz! and! that! combining! McKay! and! Kulesz! would! not! result! in! the! present! invention. It! follows! with! still! greater! force! that! neither! McKay! nor! Kulesz! provide! a! motivation! for! combining! with!. Katz! et! al. and! the! combination! of! McKay,! Kulesz! and! Katz! et! al. does! not! teach! the! invention! defined! by! these! claims.

ISSUE! 6! REJECTION

“7.!Claims! 58,69! &! 72! are! rejected! under! 35! U.S.C.! 103(a)! as! being! unpatentable over! Mckay! Patent! Application! Publication! (U.S.!2001/0036832)! in! view! of! Kulesz! et! al. (U.S.!6,930,596)! and! further! in! view! of! Lepkofker! et! al.! Patent! Application! Publication (U.S.!2004/0021569).

Regarding! claims! 58! &! 69,! The! references! of! Mckay! &! Kulesz! do! not! specifically mention! the! detector! includes! the! display! device! for! displaying! the! fire! fighters! on! floor! plan! on! the! location! are! defined.

However,! Mckay! does! teach! the! system! is! used! for! fire! department! may! detect the! presence! of! personnel! /! firefighters! (14)! within! a! protected! promises! (12)! at! a! real time! [figs.! 1-2,4,!paragraphs! 0012-0014,!0017];
-!means! for! displaying! by! a! computer! monitor! (46,82)! the! presence! of! the! firefighters (14)! within! a! protected! promises! at! a! realtime! [figs.! 1-2,4,!paragraphs! 0013-0014,! 0017].

Furthermore, Lepkofker teaches a rescue system for tracking persons or things which can be used by the firefighters includes a display device which could display the firefighters (25) in any locations in the building includes floor plan or hallway location [paragraphs 0036, 0051-0053].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Kulesz & Lepkofker in the system of McKay for detecting & displaying the firefighters in any location building.

Regarding claim 72, McKay discloses a system (30) for providing assistance to emergency personnel (14) in a building (12) in on fire condition [figs. 1-2, 4, paragraphs 0013-0014, 0017] comprising:

- means for detecting presence of personnel / firefighters (14) within a protected promises (12) at a real time [figs. 1-2, 4, paragraphs 0012-0014, 0017];
- means for displaying by a computer monitor (46, 82) as showing the presence of the firefighters (14) within a protected promises at a real time [figs. 1-2, 4, paragraphs 0013-0014, 0017];
- remote receiver (48) includes a computer system (44, 84) having memory device is inherently for storing the firefighter signals is cited in figs. 2, 4, 6, paragraphs 0014, 0017, 0019.
- the fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16, 40) is attached for monitoring condition of firefighter in three positioning (32, 33, 34) at a real time period [figs. 1-2, 6, paragraphs 0014, 0019, 0022];
- the system is used for fire department could be included various environmental sensor as temperature, infrared, oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [fig. 5, paragraph 0018].

The! reference! of! Mckay! &! Kulesz! do! not! specifically! mention! the! detector! includes! the! display! device! for! displaying! the! fire! fighters! on! floor! plan! on! the! location! are! defined.

Furthermore,! Lepkofker! teaches! a! rescue! system! for! tracking! persons! or! things
4 which! can! be! used! by! firefighters! includes! a! display! device! which! could! display
firefighters! (25)! in! any! locations! in! the! building! includes! floor! plan! or! hallway! location!
paragraphs! 0036,! 0051-0053].

Therefore,! it! would! have! been! obvious! to! one! having! ordinary! skill! in! the! art! to! have!
the! teaching! of! Kulesz! &! Lepkofker! in! the! system! of! Mckay! for! showing! &! displaying!
the! firefighters! in! any! location! building.”

ISSUE! 6! RESPONSE

The! remarks! above! with! respect! to! the! combination! of! McKay! and! Kulesz! are!
incorporated! by! reference.! These! remarks! establish! that! there! is! no! motivation! to!
combine! McKay! and! Kulesz! and! that! combining! McKay! and! Kulesz! would! not! result! in!
the! present! invention. It! follows! with! still! greater! force! that! neither! McKay! nor! Kulesz
provide! a! motivation! for! combining! with.! Lepkofker and! the! combination! of! McKay,!
Kulesz! and! Lepkofker does! not! teach! the! invention! defined! by! these! claims.

OBVIOUS! TO! TRY! ISSUES

The! rejections! in! this! application! inherently,! without! expressly! stating! the! precise!
words,! argue! that! the! apparatus! and! method! of! the! present! invention! are! not! shown!
or! suggested! by! the! cited! art! either! alone! or! in! combination! but! it! is! still! obvious! for! a!
person! having! ordinary! skill! in! the! art! to! try! based! on! the! cited! art.! In! determining! the!

obviousness! of! an! invention,! the! statute,! 35! U.S.C.! §103,! mandates! consideration! of! "the! subject! matter! as! a! whole"! at! the! time! the! invention! is! made.! The! PTO,! the! CCPA! and! the! CAFC! have! also! made! it! clear! that! hindsight! re-construction! of! references! in! light! of! applicant's! disclosure! is! to! be! avoided! in! making! such! determination.! See! In! re! McLaughlin,! 170! USPQ! 209! (CCPA! 1971).

Early! decisions! of! the! PTO! and! the! CCPA! have! repeatedly! adhered! to! the! requirement! that! where! two! or! more! references! are! combined! to! negative! patentability! of! an! invention,! the! question! to! be! asked! is!: does! the! prior! art! suggest! doing! what! applicant! has! done?! In! re! Pennington,! 113! USPQ! 81,! (CCPA! 1959);! In! re! Wesslau,! 147! USPQ! 391! (CCPA! 1965);! Ex! parte! Walker,! 135! USPQ! 195! (PO! Bd.! App.! 1961)! Ex! parts! Lennox! 144! USPQ! 224! (PO! Bd.! App.! 1964).! In! Pennington,! supra,! the! CCPA! emphasized! that! the! invention! may! consist! of! the! conception! of! the! general! results! wished! for! and/or! the! actual! means! of! achieving! that! result,! and! said,! at! page! 85:

In! determining! unobviousness! of! claims! to! an! adjustable! collapsible! chair,! the! court! in! In! re! Horbnan,! 121! USPQ! 218! (CCPA! 1959)! said,! at! page! 219!:

“For! though! the! structure! may! be! but! a! simple! expedient! when! the! novel! concept! is! realized,! that! structure! may! not! be! obvious! to! the! skilled! worker! in! the! art! where! the! prior! art! has! failed! to! suggest! the! problem! or! conceive! of! the! idea! for! its! elimination.”

Thus! for! years,! before! rejecting! an! invention! for! obviousness! both! the! PTO! and! CCPA! looked! for! a! suggestion! in! at! least! one! reference! which! could! lead! one! skilled! in! the! art! to! the! claimed! invention.!! The! appealed! claims! in! In! re! Antonie,! 195! USPQ! 6! (CCPA! 1977)! were! for! a! waste! water! treatment! device! in! which! a! semi-immersed! contactor! (disk)! is! continuously! rotated! in! order! to! aerate! the! microorganisms! that! grow! on! the! conductor! and! the! waste! water! itself.! The! cited! reference! disclosed! all! of! the! basic! features! of! the! device! except! the! ratio! of! tank! volume! to! contactor! area! of! 0.12! gal./s.ft.!! This! limitation! was! considered! to! be! critical! to! the! efficient! operation! of! the! device.! In! reversing! the! Board,! and! disagreeing! with! the! minority,! the! court!

emphasized! that! it! is! the! invention! as! a! whole! and! not! just! some! part! of! it! that! must! be! obvious! under! 35! U.S.C. §103.! The! court! said,! at! page! 8:

“The! PTO,! and! the! minority! appear! to! argue! that! it! would! always! be! obvious! for! one! of! ordinary! skill! in! the! art! to! optimize! the! effectiveness! of! the! system! even! if! there! is! no! evidence! in! the! record! that! the! prior! art! recognized! that! particular! parameter! affected! the! results.!! Obvious! to! try! is! not! the! standard! of! 35! U.S.C.! §103.”!

Thus,! for! years,! the! CCPA,! and! later! the! CAFC! rejected! obvious! to! try! as! a! standard! of! obviousness! under! 35! U.S.C.! §103! but! required! that! the! reference(s)! must! suggest! the! claimed! invention! as! a! whole.! In! re! Goodwin,! 198! USPQ2d! (CCPA! 1978);!! In! re! Geiger,! 2! USPQ2d! 1276! (Fed.! Cir.! 1987);!! In! re! Stencel,! 4! USPQ2d! 1071! (Fed.! Cir.! 1987);!! In! re! Fine,! 5! USPQ2d! 1596! (Fed.! Cir.! 1988);! Merck! &! Co.,! Inc.! v.! Biocraft! Laboratories,! Inc.! 10! USPQ2d! 1843! (Fed.! Cir.! 1989).!!! Even! though! for! decades! since! the! enactment! of! the! 1952! Patent! Act,! the! PTO,! the! Board! and! the! courts! have! consistently! looked! for! a! suggestion! in! the! prior! art! in! order! to! sustain! a! rejection! under! 35! U.S.C. §103,! in! recent! years! the! term! "motivation"! had! been! used,! sometimes! alone,! and! at! other! times! mixed! with! such! terms! as! "incentive"! or! "suggestion"! in! obviousness! rejections.! Webster's! New! International! Dictionary,! second! edition! (1957)! defines! motivation! as! follows!: "to! provide! with! or! base! upon! a! motive,! to! move;! impel;! induce;! incite."

Thus,! rejection! of! an! invention! based! on! motivation! from! the! prior! art! implies! that! the! prior! art! moves,! impels,! induces! or! incites! one! skilled! in! the! art! to! make! the! invention.! However,! as! previously! discussed,! applicant's! disclose! is! not! supposed! to! be! relied! on,! or! even! be! known,! to! a! person! skilled! in! the! art! or! any! other! person! for! that! matter.! Therefore,! how! can! one! be! moved,! impelled,! induced! or! incited! to! do! that! which! he! is! not! aware! of,! or! to! solve! a! problem! which! he! never! knew! it! existed?

In! re! Gyurik,! 201! USPQ2d! (CCPA! 1979)! involved! an! appeal! from! the! rejection! of! claims! to! certain! thio! containing! compounds.! The! prior! art! disclosed! structurally! similar! sulfinyl-containing! compounds! made! from! the! thiol! compound! as! intermediates! but! the! this! compound! was! never! isolated! in! the! prior! art! process! nor! its! properties!

ascertained.! The! Board! agreed! with! the! examiner's! rejection! that! since! the! thio compounds! were! structurally! similar! to! the! sulfinyl! compounds! and! the! prior! art disclosed! the! latter! compounds,! albeit! as! an! intermediate,! the! claimed! invention! was! prima! facie! obvious.! The! CCPA! reversed,! stating,! at! page! 557:

"An! element! in! determining! obviousness! of! a! new! chemical! compound! is! the! motivation! of! one! having! ordinary! skill! in! the! art! to! make! it...!! "That! motivation! is! not! abstract,! but! practical,! and! is! always! related! to! the! properties! or! uses! one! skilled! in! the! art! would! expect! the! compound! to! have...!"

The! court! did! not! find! the! necessary! "motivation"! or! any! "other! evidence! of! motivation"! to! be! present! in! this! case...!! Although! the! court! did! not! explain! what! it! meant! by! "motivation"! or! what! "other! evidence! of! motivation"! would! have! rendered! the! claimed! compound! obvious,! it! appears! that! the! court! was! looking! for! some! disclosure! or! suggestion! of! the! property! or! use! of! the! intermediate! product! which! would! have! led! one! skilled! in! the! art! to! "isolate"! the! intermediate! compound! if! that! person! was! so! inclined! to! or! had! any! reason! to! do.

CONCLUSION!!!!

Appellant! submits! that! the! Examiner! is! in! error! in! rejecting! Claims! 48-70! and! requests! that! the! Honorable! Board! reverse! the! Examiner's! position! and! allow! these claims.!

Respectfully! submitted!,



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APPENDIX!--!APPEALED! CLAIMS

40.(new)!! A system for providing assistance to emergency personnel which comprises:

apparatus for first detecting the presence of personnel within a protected premises;

apparatus for continuously storing data defining a location of personnel within a protected premises;

apparatus for subsequently detecting an imminent threat selected from the group consisting of fire, seismological and terrorist events;

apparatus, responsive to the apparatus for subsequently detecting, for displaying the location of personnel within protected premises.

41.(new)!! A system for providing assistance to emergency personnel as described in claim 40 including apparatus for storing the location of personnel within protected premises.!!

42.(new)!! A system for providing assistance to emergency personnel as described in claim 41 wherein said apparatus for storing location of personnel includes nonvolatile memory.

43.(new)!! A system for providing assistance to emergency personnel as described in claim 42 wherein said apparatus for storing is capable of storing such data for a plurality of time periods.

44.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! wherein! said! apparatus! for! detecting! an! imminent! threat! includes! an!
ionization-type! detector.

45.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! wherein! said! apparatus! for! detecting! an! imminent! threat! includes! a!
photoelectric! detector.

46.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! that! utilizes! fuzzy! logic.

47.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! that! utilizes! Boolean! logic.

48.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! that! utilizes! temperature! sensing.

49.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! that! includes! at! least! one! thermistor!

50.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 49! that! includes! a! plurality! of! thermistors.

51.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 42! further! including! structure! for! determining! the! last! known! good! position!
information.

52.(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! wherein! said! apparatus! for! detecting! includes! ultrasonic! apparatus.

53.(new)!!! A system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! includes! microwave! apparatus.

54.(new)!!! A system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! that! includes! infrared! sensing.

55.(new)!!! A system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! that! includes! both! passive! infrared! and! microwave! sensors.

56.(new)!!! A system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! wherein! said! apparatus! responsive! to! said! apparatus! for! detecting! for!
displaying! the! location! of! personnel! within! protected! premises! relies! on! a! logic! circuit!
for! responsiveness.

57.(new)!!! A system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! wherein! said! apparatus! responsive! to! said! apparatus! for! detecting! for!
displaying! the! location! of! personnel! within! protected! premises! relies! on! a!
microprocessor! for! responsiveness.

58.(new)!!! A system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! wherein! the! apparatus! for! displaying! the! location! of! personnel! within!
protected! premises! includes! a! floor! plan! on! which! the! locations! are! defined.

59.(new)!!! A system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 40! wherein! the! apparatus! for! displaying! includes! wireless! apparatus! for!
remotely! displaying! the! location! of! personnel! within! protected! premises.

60.(new)!!! A system! for! providing! assistance! to! emergency! personnel! which!

comprises:

apparatus! for! first! detecting! the! presence! of! personnel! within! a! protected! premises!
and! apparatus! for! storing! the! location! of! personnel! within! protected! premises! that!
includes! nonvolatile! memory! and! which! is! capable! of! storing! such! data! for! a! plurality!
of! time! periods;

apparatus! for! subsequently! detecting! an! imminent! threat! selected! from! a! group!
consisting! of! a! fire,! seismological! and! terrorist! events;

apparatus,! responsive! to! the! apparatus! for! detecting,! for! displaying! the! location! of!
personnel! within! protected! premises.

61.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! wherein! said! apparatus! for! detecting! an! imminent! threat! utilizes! portions!
selected! from! the! group! consisting! of! an! ionization-type! detector,! a! photoelectric!
detector,fuzzy! logic,! Boolean! logic,! temperature! sensing,! and! at! least! one! thermistor.

62.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 61! further! including! structure! for! determining! the! last! known! good! position!
information.

63.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! wherein! said! apparatus! for! detecting! includes! ultrasonic! apparatus.

64.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! wherein! said! apparatus! includes! microwave! apparatus.

65.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!

in! claim! 60! wherein! said! apparatus! for! detecting! includes! infrared! sensing.

66.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! that! includes! both! passive! infrared! and! microwave! sensors.

67.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! wherein! said! apparatus! responsive! to! said! apparatus! for! detecting! for!
displaying! the! location! of! personnel! within! protected! premises! relies! on! a! logic! circuit!
for! responsiveness.

68.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! wherein! said! apparatus! responsive! to! said! apparatus! for! detecting! for!
displaying! the! location! of! personnel! within! protected! premises! relies! on! a!
microprocessor! for! responsiveness.

69.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! wherein! the! apparatus! for! displaying! the! location! of! personnel! within! a!
protected! premises! includes! a! floor! plan! on! which! the! locations! are! defined.

70.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! wherein! the! apparatus! for! displaying! includes! wireless! apparatus! for!
remotely! displaying! the! location! of! personnel! within! protected! premises.

71.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! as! described!
in! claim! 60! wherein! the! apparatus! for! displaying! includes! a! graphic! keypad! and! a!
security! panel! that! allows! selective! visual! monitoring! and! selective! audio! monitoring!
of! a! plurality! of! locations! within! protected! premises.

72.!(new)!!! A! system! for! providing! assistance! to! emergency! personnel! which!

comprises:

apparatus! for! detecting! the! presence! of! personnel! within! a! protected! premises! and! apparatus! for! storing! the! location! of! personnel! within! protected! premises! that! includes! nonvolatile! memory! and! which! is! capable! of! storing! such! data! for! a! plurality! of! time! periods;

apparatus! for! subsequently! detecting! an! imminent! threat! that! utilizes! at! least! one! portion! selected! from! the! group! consisting! of! an! ionization-type! detector,! a! photoelectric! detector,! fuzzy! logic,! Boolean! logic,! temperature! sensing,! at! least! one! thermistor,! ultrasonic! apparatus,! microwave! apparatus,! and! infrared! sensing;

apparatus,! responsive! to! the! apparatus! for! detecting,! for! displaying! the! location! of! personnel! within! protected! premises! that! includes! portions! selected! from! the! group! selected! from! the! group! consisting! of! a! logic! circuit!,! a! microprocessor,! a! floor! plan! on! which! the! locations! are! defined,! wireless! apparatus! for! remotely! displaying! the! location! of! personnel! within! protected! premises! and! a! graphic! keypad! and! a! security! panel! that! allows! selective! visual! monitoring! and! selective! audio! monitoring! of! a! plurality! of! locations! within! protected! premises.

73.!(new)!!!A! method! for! providing! assistance! to! emergency! personnel! which! includes:

detecting! the! presence! of! personnel! within! a! protected! premises;

storing! data! defining! the! location! of! personnel! within! a! protected! premises;

detecting! a! subsequent! imminent! threat! selected! from! a! group! consisting! of! a! fire,! seismological! and! terrorist! events;

displaying! the! location! of! personnel! within! protected! premises! when! an! imminent! threat! is! detected.

74.(new)!! A! method! for! providing! assistance! to! emergency! personnel! as! described! in! claim! 73! wherein! the! step! of! storing! data! defining! the! location! of! personnel! within! a! protected! premises! includes! continuously! storing! data! defining! the! location! of! personnel! within! a! protected! premises.

75.(new)!! A! method! for! providing! assistance! to! emergency! personnel! as! described! in! claim! 73! wherein! the! step! of! storing! the! location! of! personnel! nonvolatile! memory.

76.(new)!! A! method! for! providing! assistance! to! emergency! personnel! as! described! in! claim! 74! wherein! the! step! of! storing! the! location! of! personnel! includes! the! step! of! storing! data! for! personnel! within! a! protected! premises! for! each! of! a! plurality! of! time! periods.

77.(new)!! A! method! for! providing! assistance! to! emergency! personnel! as! described! in! claim! 73! wherein! the! step! of! detecting! an! imminent! threat! includes! providing! apparatus! that! includes! a! complement! selected! from! (a.)! ionization-type! detector,! (b)! a! photoelectric! detector,! (c)! fuzzy! logic,! (d)! Boolean! logic,! (e)! temperature! sensing,! (f)! ultrasonic! apparatus,! (g)! at! least! one! thermistor,! (h)! microwave! apparatus! and! (i)! infrared! sensing.! (new)!

78.(new)!! A! method! for! providing! assistance! to! emergency! personnel! as! described! in! claim! 73! further! including! the! step! of! determining! the! last! known! good! position! information.

